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Attorneys for Defendant PetSmart LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

BREANN SCALLY,

Plaintiff, on behalf of herself
and all others similarly
situated,

v.

PETSMART LLC,

Defendant.

CASE NO. 4:22-cv-06210-YGR

**JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
BRIEFING SCHEDULE ON
DEFENDANT'S MOTION TO COMPEL
ARBITRATION**

STIPULATION

Pursuant to Civil Local Rule 6-1(b) and this Court's standing order, BreAnn Scally ("Plaintiff") and PetSmart LLC ("Defendant") (collectively, the "Parties"), by and through their respective counsel of record, hereby stipulate and agree as follows:

WHEREAS, Plaintiff filed a Class Action Complaint in San Mateo Superior Court on July 28, 2022 (Dkt. 1-2, Ex. B), and served Defendant on September 19, 2022 (Dkt. 1-2, Ex. E);

WHEREAS, Defendant removed Plaintiff's Class Action Complaint to this Court on October 19, 2022 (Dkt. 1);

WHEREAS, Defendant filed a Motion to Compel Arbitration on November 23, 2022 (Dkt. 14);

WHEREAS, Plaintiff's response is currently due on December 7, 2022, and Defendant's reply on December 14, 2022;

WHEREAS, counsel for Plaintiff have recently returned from parental leave or recovered from COVID, and given the upcoming winter holidays as well as pre-existing travel plans, Plaintiff has sought and the parties have agreed to an extension of briefing deadlines;

NOW, THEREFORE, the Parties, through their undersigned counsel, hereby stipulate and agree that Plaintiff's response to the Motion to Compel shall be due on January 18, 2023, and Defendant's reply shall be due February 3, 2023, with a hearing on February 28, 2023 at 2:00 p.m., pending approval of this Court.

IT IS SO STIPULATED.

DATED: December 5, 2022

TOWARDS JUSTICE

By: /s/ Rachel W. Dempsey

Rachel W. Dempsey
David H. Seligman

Attorneys for Plaintiff BreAnn Scally

DATED: December 5, 2022

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Theane Evangelis

Theane Evangelis
Megan Cooney
Madeleine F. McKenna
Emily Sauer

Attorneys for Defendant PetSmart LLC

ATTORNEY ATTESTATION

Pursuant to Civil Local Rule 5-3(h)(3), I, Rachel W. Dempsey, hereby attest that concurrence in the filing of this document has been obtained from the above signatories.

By: /s/ Rachel W. Dempsey
Rachel W. Dempsey

[PROPOSED] ORDER

Having reviewed the above Stipulation and Proposed Order, IT IS HEREBY ORDERED that the Court finds that good cause exists for the entry of this Order. The briefing schedule for the Motion to Compel Arbitration is as follows:

Plaintiff's response: January 18, 2023

Defendant's reply: February 3, 2023

Hearing: February 28, 2023 at 2:00 p.m.

IT IS SO ORDERED.

DATED: _____

The Hon. Yvonne Gonzalez Rogers